

Getting from “Clobberation” to “Collaboration”

“The success of any family court is dependent upon effective communication among all stakeholders both in the judicial branch and in the community. Because the model court concept must be tailored to the needs of each community ... the creation of a Family Law Advisory Group within each circuit will enhance the family court in each circuit” In re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S 287 (May 3, 2001) (pending rehearing).

The Importance of Judicial Leadership

The importance of judicial leadership and commitment to this process cannot be overemphasized. Judicial leadership brings both credibility and stakeholders to the effort. Of course, ensuring the appropriate representation on your advisory group is critical; but just as important is the need to structure the group’s meetings in a manner that is productive and does not leave participants feeling that they have wasted their valuable time. While each of your judicial leadership styles may vary as much as your local legal cultures, judicial leadership is necessary from the beginning to ensure that the court’s role in service coordination is acknowledged and accepted. As you establish your local advisory groups, the following suggestions are essential elements for consideration:

Establishing the Ground Rules – A Commitment to:

- ❖ A participatory process that will utilize the experience of judicial players, including clerks, agencies, services providers, and recipients in developing the system.
- ❖ Ongoing meetings and communication that includes not only scheduled meetings but a commitment to cross-training of court personnel, shared projects, identification and coordination of community resources, and the importance of purposeful system design to allow as much information sharing as possible.
- ❖ Insistence on ethical behavior and mutual respect, and problem-solving rather than blame.

Getting Started: Identifying Needs

When identifying and reaching consensus on customer (families and children) needs that can and should be addressed by the court, consider the following:

- * Given these needs, are the people responsible for meeting those needs at the table?

- * How is the current system meeting/not meeting customer needs?
- * Have all existing resources been identified?
- * How could resources be better maximized?



Hint: Be careful when making assumptions about how your system is currently working. Where possible, get hard data. A little time assessing your local practices will go a long way.

Identifying and reaching consensus on stakeholder (agencies, lawyers, clerks, community) needs that can and should be addressed by the court.

- * How is the judicial system currently meeting/not meeting stakeholder needs?
- * How well do stakeholders understand/respect other stakeholder needs?



Hint: One very effective way to get as much input as possible without having your advisory groups reach unmanageable sizes is to use focus groups. Focus groups, while taking some effort to plan and schedule, are much less labor intensive than surveys. They allow for stakeholder input that can lead to innovative suggestions, which are often stimulated by the group discussion process. For each focus group, you will want to make sure that you have: 1) clearly defined expectations as to the input you are seeking; 2) an experienced moderator; and 3) an inclusive group of participants.

Establishing and Reaching Consensus on Goals:

It is essential that your advisory group establish and reach consensus on goals for the family court system. Absent these goals, the work of the advisory group will lack direction, which will limit productivity and the ability to evaluate any changes that may be undertaken.

- * What will the goals be and does everyone understand them?
- * Do the goals directly relate to the identified needs?
- * How will you jointly address barriers and solutions?
- * Who will be ultimately responsible for ensuring that these goals are met?

Turning Ideas into Results

You may want to consider creating subcommittees or workgroups to be responsible for making recommendations in specific areas. Workgroups are a great way to encourage support and ownership by stakeholders. However, allowing stakeholders to participate in this way can be daunting, especially as more workgroups are created, the less likely it will be that the judicial branch can control their recommendations. This is where it becomes extremely important that your advisory group have clear goals against which the workgroups' recommendations can be measured.



Questions for Workgroup Recommendations:

- Which goal does the recommendation address?
- Does it make sense?
- Is it likely to produce better outcomes?
- Is it safe?
- Does it preserve the rule of law?
- Does it afford due process?
- Is the process understandable?
- Is the process available and appropriate?
- What can be resolved outside the adversarial process?
- How do we achieve measurable outcomes of success?

Developing a Community/Stakeholder Outreach Plan

For long term effectiveness, the advisory group should address the following:

- * How will you educate the community about the needs of children and families that can and should be addressed by the court?
- * How will you engage the community in helping meet these needs?
- * How will you notify the community of your successes?



Hint: One successful way to expand your opportunities for outreach and community/stakeholder input is to hold monthly brown bag lunches that are open to any interested persons. Schedule a short presentation on a specific element of your family court plan - but be sure to leave ample opportunity for comments and discussion!

Evaluating Your Progress

All measures of success need to relate back to the goals established at the beginning.

- * How will you measure success?
- * How will you make sure your evaluation process provides a consistent feed-back loop to your advisory group(s)?

Lessons Learned

Courts with experience in the use of Advisory Committees report the following:

- ❖ Resistance to change runs very deep, despite planning, training and continuing educational programs for professionals.
- ❖ Change must be value driven.
- ❖ Patience is important because change may take years to occur.

Identifying Stakeholders

Court stakeholders:

- judges - domestic relations, domestic violence - including criminal, dependency, delinquency and guardianship
- quasi-judicial officers
- court staff - court administration, judicial assistants, case managers, self-help, law clerks, staff attorneys
- clerk staff - managers and line staff
- domestic violence staff

Service providers:

- mediators - court and private
- GAL - court program and private attorney GAL
- custody evaluators
- parenting course providers
- supervised visitation providers
- domestic violence advocate/shelter staff
- batterer's intervention providers
- financial experts (CPA, financial planners)
- substance abuse and mental health service providers
- process servers

Legal stakeholders:

- private attorneys handling domestic relations, domestic violence - including criminal, dependency, delinquency, and guardianship

- public defenders
- state attorneys
- legal services/aid

Agency stakeholders:

- DOR - staff and legal service providers
- DCF
- DJJ
- County School Board
- Sheriff/Police

Other:

- Local government officials
- Community organizers/alliance organizations
- Parents and children
- Local colleges/university professionals

Note:

The term “Clobberation” and information on “Lessons Learned and the “Questions for the Workgroup Recommendations” were taken from Judge Richard Fitzgerald’s well-known presentation on community collaboration.